

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WANI J. KOSE,

Plaintiff,

v.

H. SIEZ, et al.,

Defendants.

Case No.: 1:23-cv-00557-KES-CDB (PC)

**ORDER SETTING SETTLEMENT
CONFERENCE AND PROCEDURES**

April 9, 2025, at 1:00 p.m. via Zoom

Plaintiff Wani J. Kose is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. §1983. The Court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Erica P. Grosjean to conduct a settlement conference on April 9, 2025, at 1:00 p.m. The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference. The Court will issue the necessary transportation order in due course.

In accordance with the above, **IT IS HEREBY ORDERED** that:

1. This case is referred to Magistrate Judge Erica P. Grosjean for a settlement conference set for **April 9, 2025, at 1:00 p.m.** The settlement conference will be conducted by remote means, with all parties appearing by Zoom video conference.
2. A representative with full and unlimited authority to negotiate and enter into a binding

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2 settlement on the defendants' behalf shall attend in person¹. Unless otherwise
3 permitted in advance by the Court, the attorneys who will try the case shall appear at
4 the settlement conference. It is recommended that pertinent evidence to be offered at
5 trial, documents or otherwise, be brought to the settlement conference for presentation
6 to the settlement judge. Neither the settlement conference statements nor
7 communications during the settlement conference with the settlement judge can be
8 used by either party in the trial of this case.

- 9 3. Those in attendance must be prepared to discuss the claims, defenses and damages.
10 The failure of any counsel, party or authorized person subject to this order to appear in
11 person may result in the imposition of sanctions. In addition, the conference will not
12 proceed and will be reset to another date. Absent permission from the Court, in
13 addition to counsel who will try the case being present, the individual parties shall also
14 be present. In the case of corporate parties, associations or other entities, and
15 insurance carriers, a representative executive with authority to discuss, consider,
16 propose and agree, or disagree, to any settlement proposal or offer shall also be
17 present. A representative with unlimited authority shall either attend in person or be
18 available by phone throughout the conference. In other words, having settlement
19 authority "up to a certain amount" is not acceptable. **IF ANY PARTY BELIEVES**
20 **THAT A SETTLEMENT CONFERENCE WOULD BE FUTILE, THEN THAT**
21 **PARTY SHALL CONTACT THE COURT NOT LATER THAN SEVENTY-**

22
23 ¹ While the exercise of its authority is subject to abuse of discretion review, "the district court has the authority to
24 order parties, including the federal government, to participate in mandatory settlement conferences...." *United States*
25 *v. United States District Court for the Northern Mariana Islands*, 694 F.3d 1051, 1053, 1057, 1059 (9th Cir. 2012)
26 ("the district court has broad authority to compel participation in mandatory settlement conference[s]"). The term
27 "full authority to settle" means that the individuals attending the mediation conference must be authorized to fully
28 explore settlement options and to agree at that time to any settlement terms acceptable to the parties. *G. Heileman*
Brewing Co., Inc. v. Joseph Oat Corp., 871 F.2d 648, 653 (7th Cir. 1989), *cited with approval in Official Airline*
Guides, Inc. v. Goss, 6 F.3d 1385, 1396 (9th Cir. 1993). The individual with full authority to settle must also have
"unfettered discretion and authority" to change the settlement position of the party, if appropriate. *Pitman v. Brinker*
Int'l, Inc., 216 F.R.D. 481, 485-86 (D. Ariz. 2003), *amended on recon. in part, Pitman v. Brinker Int'l, Inc.*, 2003
WL 23353478 (D. Ariz. 2003). The purpose behind requiring the attendance of a person with full settlement authority
is that the parties' view of the case may be altered during the face-to-face conference. *Pitman*, 216 F.R.D. at 486. An
authorization to settle for a limited dollar amount or sum certain can be found not to comply with the requirement of
full authority to settle. *Nick v. Morgan's Foods, Inc.*, 270 F.3d 590, 596-97 (8th Cir. 2001).

**TWO HOURS PRECEDING THE SCHEDULED SETTLEMENT
CONFERENCE.**

4. Parties are directed to submit confidential settlement statements no later than April 2, 2025, to epgorders@caed.uscourts.gov. **Plaintiff shall mail his confidential settlement statement Attn: Magistrate Judge Erica P. Grosjean, USDC CAED, 2500 Tulare Street, Room 1501, Fresno, California 93721, so it arrives no later than April 2, 2025. The envelope shall be marked “CONFIDENTIAL SETTLEMENT STATEMENT.”** Parties are also directed to file a “Notice of Submission of Confidential Settlement Statement” (*See* L.R. 270(d)).

Settlement statements **should not be filed** with the Clerk of the Court **nor served on any other party**. Settlement statements shall be clearly marked “confidential” with the date and time of the settlement conference indicated prominently thereon.

The confidential settlement statement shall be **no longer than five pages** in length, typed or neatly printed, and include the following:

- a. A brief statement of the facts of the case.
- b. A brief statement of the claims and defenses, i.e., statutory or other grounds upon which the claims are founded; a forthright evaluation of the parties’ likelihood of prevailing on the claims and defenses; and a description of the major issues in dispute.
- c. An estimate of the cost and time to be expended for further discovery, pretrial, and trial.
- d. The party’s position on settlement, including present demands and offers and a history of past settlement discussions, offers, and demands.
- e. A brief statement of the party’s expectations and goals for the settlement

conference, including how much the party is willing to accept and/or willing to pay.

f. If the parties intend to discuss the joint settlement of any other actions or claims not in this suit, give a brief description of each action or claim as set forth above, including case number(s) if applicable.

5. The Clerk of the Court is directed to serve a copy of this order on the Litigation Office at California Men's Colony via facsimile at (805) 547-7791 or via email.

IT IS SO ORDERED.

Dated: February 20, 2025


UNITED STATES MAGISTRATE JUDGE